

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 3:19-CR-19

CHRISTOPHER YATES,

Defendant.

**UNITED STATES' NOTICE OF DISCOVERY DISCLOSURE
AND REQUEST FOR DISCOVERY**

Comes now the United States of America and William J. Powell, United States Attorney for the Northern District of West Virginia, by Jeffrey A. Finucane, Assistant United States Attorney for said District, and pursuant to Rule 16 of the Federal Rules of Criminal Procedure and the local rules of this Court, submits its discovery disclosure as follows:

**Rule 16(a)(1)(A) and (B) and L.R.Cr.P. 16.01(a)
Oral, Written or Recorded Statement of the Defendant**

Any and all statements currently in the Governments possession by Defendant are contained on the enclosed thumb drive marked "Rule 16."

**Rule 16(a)(1)(D) and L.R.Cr.P 16.01(e)
Defendant's Prior Record**

Defendants' criminal history will be provided in accordance with the rules.

**Rule 16(a)(1)E) and L.R.Cr.P. 16.10(d)
Documents and Tangible Objects**

All documents and tangible objects are provided on the enclosed thumb drive marked Rule 16 as Bates Nos. US1-US1651; US1663-US1833. Instructions for launching the Viewer are also included.

Audio/video is enclosed.

US637; US638; and US1420 are placeholders corresponding to forensic copies of media described in the corresponding reports of investigation. The original media is voluminous and is available to view at the United States Attorney's Office at this time upon request by the defendant's counsel. Additionally, the Government will provide a copy of this media once it has been fully processed and converted to a usable format.

All other documents, books, papers and physical exhibits either seized from Defendants or which the United States intends to use in its case-in-chief at trial may be viewed by contacting Special Agent Seth Cox, Alcohol, Tobacco and Firearms, 40 Compass Point, Martinsburg, WV 25404, 304-616-4136.

Rule 16(a)(1)(F) and L.R.Cr.P. 16.01(b)
Reports of Examinations and Tests

Any and all laboratory reports in the United States' possession are contained on the enclosed thumb drive.

L.R.Cr.P. 16.01(c)
Grand Jury Testimony

Defendant did not testify before a federal grand jury in this matter.

L.R.Cr.P. 16.05
Exculpatory Evidence

The United States is unaware of any exculpatory evidence in this matter.

Rule 16(a)(1)(G) and L.R.Cr.P. 16.01(f)
Expert Witness Testimony

The United States intends to present testimony of firearms examiners.

**Rule 12(4), Federal Rules of Criminal Procedure
Notice of Intent to Use Evidence**

The United States intends to use all of the evidence in its possession during the presentation of its case-in-chief.

Document ranges not included in this disclosure reflect documents that have been identified as either Jencks/Giglio or non-discoverable material. Jencks/Giglio documents, to the extent they exist, will be provided to Defendants fourteen (14) days prior to trial, pursuant to the Local Rules of this Court.

UNITED STATES' REQUEST FOR DISCOVERY

Now comes the United States of America by William J. Powell, United States Attorney for the Northern District of West Virginia and Jeffrey A. Finucane, Assistant United States Attorney, and pursuant to:

**Rule 16(b)(1)(A)
Documents and Tangible Objects**

Moves the Court to order the defendant to permit the United States to inspect and copy or photograph, books, papers, documents, photographs, tangible objects or copies or portions thereof which are in the possession, custody, or control of Defendant and which Defendant intends to introduce as evidence in chief at the trial.

**Rule 16(b)(1)(B)
Results or Reports of Physical or Mental Examinations**

To order Defendant to permit the United States to inspect or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case or copies thereof within the possession or control of Defendant which Defendant intends to introduce as evidence in chief for the trial or which were prepared by a witness whom Defendant intends to call at the trial when the results of the reports relate to that witness's testimony.

Rule 16(b)(1)(C)
Expert Witnesses

To order Defendant to provide to the United States a written summary of any testimony that Defendant intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence.

Respectfully submitted,

WILLIAM J. POWELL
UNITED STATES ATTORNEY

By: s/Jeffrey A. Finucane
Jeffrey A. Finucane
Assistant United States Attorney

CERTIFICATE OF SERVICE

I, Jeffrey A. Finucane, Assistant United States Attorney for the Northern District of West Virginia, hereby certify that on the 26th day of March, 2019, the foregoing United States' Notice of Discovery Disclosure and Request for Discovery was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Kevin Mills, Esquire
1800 W. King Street
Martinsburg, WV 25401

I further certify that the documents and tangible objects were served by hand delivery on March 26, 2019.

WILLIAM J. POWELL
UNITED STATES ATTORNEY

By: s/Jeffrey A. Finucane
Jeffrey A. Finucane
Assistant United States Attorney